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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,990	10/14/2003	Carlos A. Bonilla	200309108-1	7122

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EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/685,990	Applicant(s) BONILLA, CARLOS A.	
	Examiner Tung S. Lau	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/27/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Allison et al. (U.S. Patent 6,094,531, Date of Patent Jul. 25, 2000).

Regarding claim 1:

Allison describes a computer implemented (fig. 2, unit 5, 1, 4) method of automatic software testing (abstract) comprising: storing status information of a software test running on a test system to a common information point (fig. 2, unit 17, 1); wherein said common information point is physically separate (fig. 2, unit 17, 1) and communicatively coupled to a test master computer system (fig. 2, unit

1); automatically reinstalling an operating system on said test (abstract); querying said common information point to determine said status information (fig. 3, 4); and resuming said software test (fig. 4, unit 58).

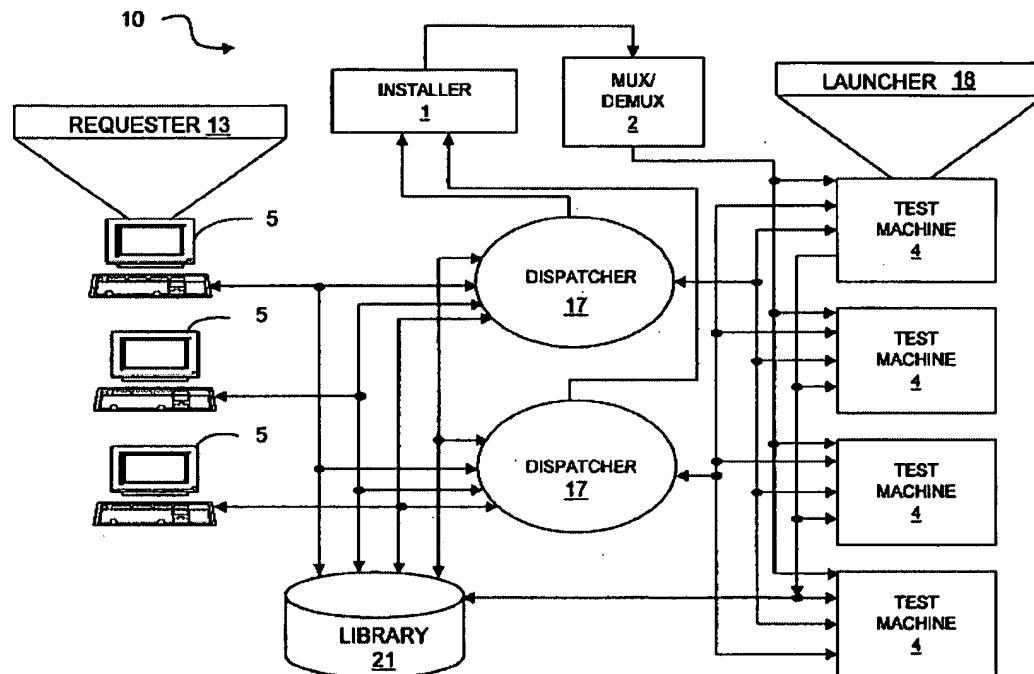


FIG. 2

Regarding claim 8:

Allison describes a computer implemented method of automatic software testing (FIG. 3, 4) comprising: installing test driver software on a plurality of test systems (Col. 4, Lines 10-23, specially the hardware + software configuration of a test machines); providing a mapping of a plurality of virtual test system names to real test system names to said test driver software (Col. 2, Lines 61-67, Col. 3, Lines 13-17, specially hardware and software list of the dispatcher including software driver to hardware to work correctly in a computer/machine); and using common

Art Unit: 2863

information point (fig. 2, unit 17), and a test master computer system (fig. 2, unit 1, 5) to gather test result from said plurality of test system (fig. 4, 5), wherein said common information point (fig. 2, unit 17) is physically separate and communicatively coupled to said test master computer system (fig. 2, unit 1, 13, abstract, using network connection such as internet).

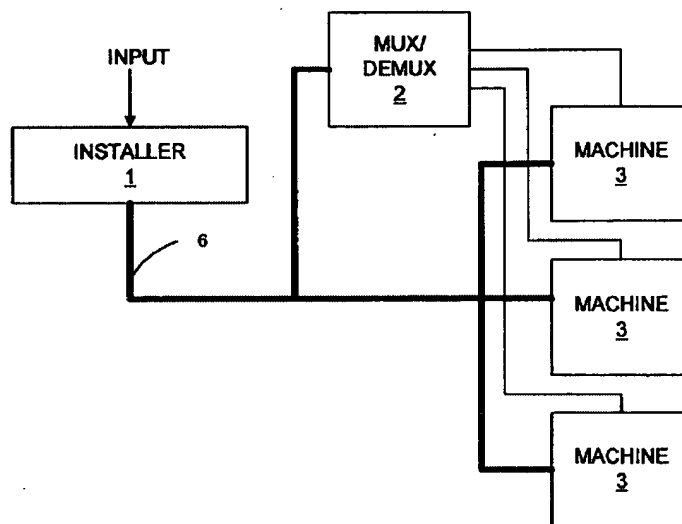


FIG. 1

Regarding claim 14:

Allison describes a computer system (fig. 2) for automatic software testing comprising: a test master computer system (fig. 2, unit 1, 17); a plurality of test computer systems (fig. 2, unit 4) communicatively coupled to said test master computer system (fig. 2, unit 1, 5, 17); a common information point communicatively (fig. 2, unit 17) coupled to said test master computer system (fig. 2, unit 1, 5) and to said plurality of test computer systems (fig. 2, unit 4);

Wherein said common information point is physically separate from said test master computer system (fig. 2, unit 17); said test master computer system for installing a test driver on each of said plurality of test computer systems (fig. 2, unit 1, 5, 4); at least one of said plurality of test computer systems for storing status information of a software test (fig. 2, unit 17, 1) running on said at least one of said plurality of test computer systems (fig. 2, unit 1, 5) to said common information automatically reinstalling an operating system (abstract) on said at least one of said plurality of test computer systems (fig. 2, unit 4); querying said common information point to determine said status information (fig. 3, 40; and resuming said software test (fig. 4, unit 58).

Regarding claim 2, Allison further describes common information point is (fig. 2, unit 17) on a computer system independent from a computer system running said software test (fig. 2, unit 17).

Regarding claim 3, Allison further describes reinitializing under software control (abstract).

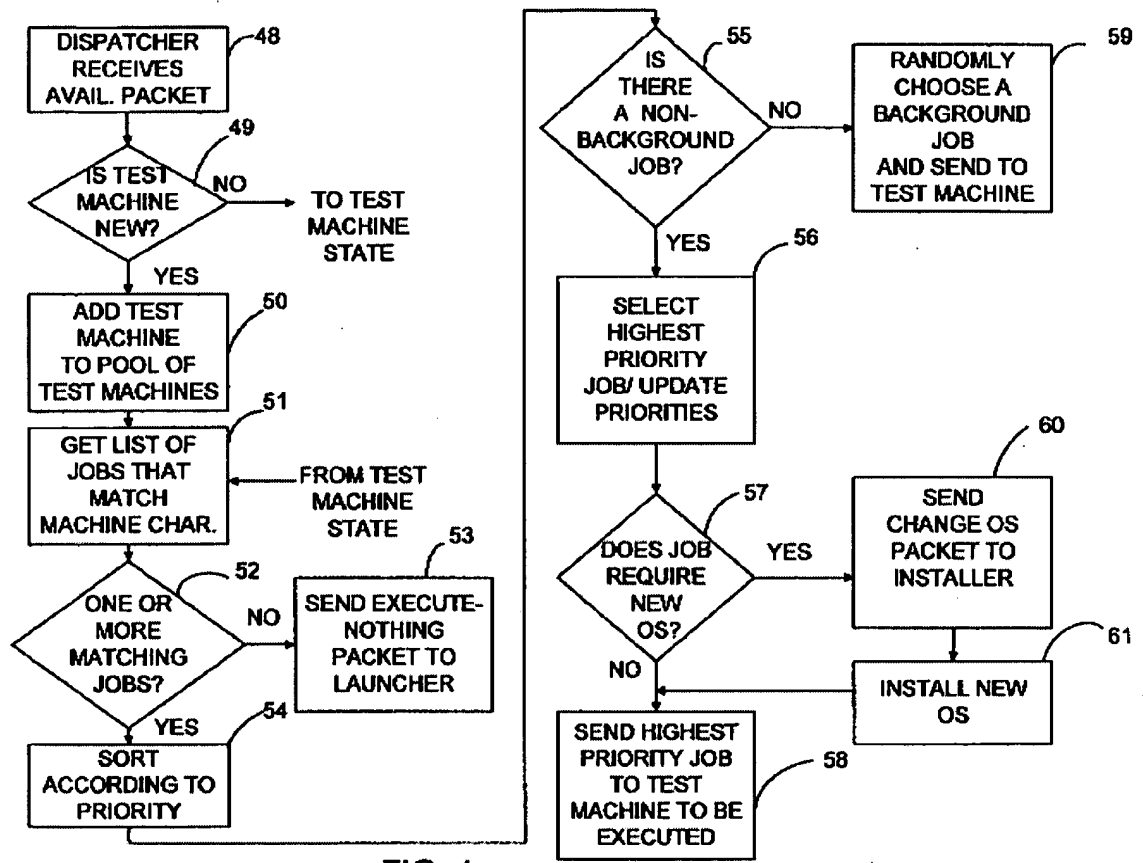
Regarding claims 4, 17, Allison further describes startup automatic process initial by operating system (abstract, startup by ROM, and testing is automatic).

Regarding claim 5, Allison further describes identification of test completed (fig. 3, unit 36-39);

Regarding claim 6, Allison further describes resuming restarts points to last portion completed (fig. 4, unit 48-51).

Art Unit: 2863

Regarding claims 7, 20, Allison further describes test system running a different operating system reinstalling (Col. 1, Lines 52-60).



Regarding claim 15, Allison further describes master computer is distinct from test computer system (Col. 1, Lines 52-60, have different OS).

Regarding claim 16, Allison further describes reinitializing under software control (Col. 6, Lines 23-33).

Regarding claim 18, Allison further describes status information portion of test completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

Regarding claim 19, Allison further describes resuming restarts to last portion completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

Regarding claim 9, Allison further describes common point to run the test (fig. 2, unit 17, 1).

Regarding claim 10, Allison further describes result are gathered common point (Col. 10-11, Lines 61-5, information is updated).

Regarding claim 11, Allison further describes mapping resides on common pint of information (Col. 10-11, Lines 61-5, information is updated).

Regarding claim 12, Allison further describes discloses common point of information is a network file system mount point common on all test system (fig. 2, unit 17, 1, using network such as internet).

Regarding claim 13, Allison further describes start up a process automatically installed by the OS (abstract, fig. 4, unit 61).

Response to Arguments

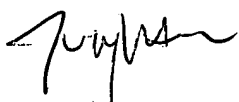
3. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive.

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-

Art Unit: 2863

2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung S. Lau

AU 2863, Patent examiner

December 5, 2006